

**EIGHTY-SEVENTH GENERAL ASSEMBLY  
2018 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

**April 12, 2018**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#"><u>SF 220</u></a> .....	<a href="#"><u>S-5240</u></a> .....	Filed	BRAD ZAUN
<a href="#"><u>SJR 2006</u></a> .....	<a href="#"><u>S-5239</u></a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#"><u>HF 2342</u></a> .....	<a href="#"><u>S-5237</u></a> .....	Filed	JULIAN GARRETT
<a href="#"><u>HF 2377</u></a> .....	<a href="#"><u>S-5236</u></a> .....	Filed	MARK COSTELLO
<a href="#"><u>HF 2442</u></a> .....	<a href="#"><u>S-5235</u></a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#"><u>HF 2480</u></a> .....	<a href="#"><u>S-5238</u></a> .....	Lost	LIZ MATHIS

**Fiscal Notes**

[SF 2396](#) — [Lake Manawa State Park User Fee Pilot Program](#) (LSB5418SV)

[HF 2481](#) — [Secure an Advanced Vision for Education Extension](#) (LSB5423HZ.1)

SENATE FILE 220

S-5240

1 Amend the House amendment, S-5157, to Senate File 220, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 8, line 16, and  
4 inserting:

5 <Amend Senate File 220, as amended, passed, and reprinted by  
6 the Senate, as follows:

7 \_\_\_\_\_. By striking everything after the enacting clause and  
8 inserting:

9 <Section 1. NEW SECTION. 321.492C Use of automated or  
10 remote systems for traffic law enforcement prohibited.

11 The state or a political subdivision of the state shall not  
12 place or cause to be placed on or adjacent to a highway, or  
13 maintain or employ the use of, any automated or remote system  
14 for traffic law enforcement. For the purposes of this section,  
15 *"automated or remote system for traffic law enforcement"* means a  
16 camera or other optical device designed to work in conjunction  
17 with an official traffic control signal or speed measuring  
18 device to identify motor vehicles operating in violation of  
19 traffic laws, the use of which results in the issuance of  
20 citations sent through the mail or by electronic means.

21 Sec. 2. REMOVAL OF AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC  
22 LAW ENFORCEMENT — VALIDITY OF PRIOR CITATIONS. Prior to July  
23 1, 2018, a local authority using an automated or remote system  
24 for traffic law enforcement shall discontinue using the system  
25 and remove the system equipment. Effective July 1, 2018, all  
26 local ordinances authorizing the use of automated or remote  
27 systems for traffic law enforcement are void. However, any  
28 citation issued or mailed pursuant to such an ordinance prior  
29 to July 1, 2018, shall not be invalidated by the enactment of  
30 this Act and shall be processed according to the provisions of  
31 law under which the citation was authorized.

32 Sec. 3. EFFECTIVE DATE. The section of this Act relating  
33 to the removal of automated or remote systems for traffic law  
34 enforcement and the validity of prior citations, being deemed  
35 of immediate importance, takes effect upon enactment.>

S-5240 (Continued)

1 \_\_\_\_\_. Title page, by striking lines 1 and 2 and inserting  
2 <An Act prohibiting the use of automated or remote systems for  
3 traffic law enforcement, requiring the removal of existing  
4 systems, and including effective date provisions.>>  
5 2. By renumbering as necessary.

By BRAD ZAUN

S-5240 FILED APRIL 11, 2018

HOUSE AMENDMENT TO  
SENATE JOINT RESOLUTION 2006

S-5239

1     Amend Senate Joint Resolution 2006, as amended, passed, and  
2 reprinted by the Senate, as follows:

3     1. By striking everything after the resolving clause and  
4 inserting:

5     <Section 1. The following amendment to the Constitution of  
6 the State of Iowa is proposed:

7     Section 4 of Article IV of the Constitution of the State of  
8 Iowa, as amended by amendment number 1 of the Amendments of  
9 1952 and by amendment number 1 of the Amendments of 1988, is  
10 repealed and the following adopted in lieu thereof:

11     **Election by general assembly in case of tie — inability of**  
12 **governor-elect to qualify — succession by lieutenant governor —**  
13 **inauguration of governor and lieutenant governor upon removal of**  
14 **inability of governor-elect to qualify. SEC. 4.** The nominees  
15 for governor and lieutenant governor jointly having the highest  
16 number of votes cast for them shall be declared duly elected.  
17 If two or more sets of nominees for governor and lieutenant  
18 governor have an equal and the highest number of votes for  
19 the offices jointly, the general assembly shall by joint vote  
20 proceed, as soon as is possible, to elect one set of nominees  
21 for governor and lieutenant governor.

22     If after the final canvass of votes but before inauguration  
23 the governor-elect has since died, does not qualify, or  
24 is permanently unable to become governor, the lieutenant  
25 governor-elect shall become the governor upon inauguration, to  
26 the exclusion of any other office, for the residue of the term.

27     In the event of a temporary inability of the governor-elect  
28 to assume office, the lieutenant governor-elect shall become  
29 governor upon inauguration, until the inability is removed, at  
30 which time, the governor-elect and lieutenant governor-elect  
31 shall become governor and lieutenant governor, respectively,  
32 upon inauguration.

33     Section 10 of Article IV of the Constitution of the State of  
34 Iowa is amended to read as follows:

35     **Vacancies — lieutenant governor vacancy.** SEC. 10. When

1 any office, excluding the office of lieutenant governor,  
2 shall, from any cause, become vacant, and no mode is provided  
3 by the constitution and laws for filling such vacancy, the  
4 governor shall have power to fill such vacancy, by granting a  
5 commission, which shall expire at the end of the next session  
6 of the general assembly, or at the next election by the people.

7 When the office of lieutenant governor shall, from any  
8 cause, become vacant, and no mode is otherwise provided by the  
9 constitution for filling such vacancy, the governor shall have  
10 power to fill such vacancy for the residue of the term, by  
11 granting a commission, which shall expire as provided in the  
12 constitution.

13 Section 17 of Article IV of the Constitution of the State of  
14 Iowa is repealed and the following adopted in lieu thereof:

15 **Lieutenant governor to become governor — filling of**  
16 **lieutenant governor vacancy. SEC. 17.** In case of death,  
17 impeachment, resignation, removal from office, or other  
18 inability to serve of the governor, the lieutenant governor  
19 shall succeed and become the governor, to the exclusion of any  
20 other office. If the preceding governor thereafter becomes  
21 able to serve, the preceding governor shall become governor and  
22 the succeeding governor shall resume the office of lieutenant  
23 governor, to the exclusion of any other office, each for the  
24 residue of the term, respectively. If the succeeding governor  
25 has filled a vacancy in the office of lieutenant governor  
26 by granting a commission, that commission shall expire upon  
27 the resumption of the office of lieutenant governor by the  
28 preceding lieutenant governor.

29 Section 19 of Article IV of the Constitution of the State  
30 of Iowa, as amended by amendment number 2 of the Amendments of  
31 1952 and by amendment number 2 of the Amendments of 1988, is  
32 repealed and the following adopted in lieu thereof:

33 **Succession to office of governor and lieutenant governor —**  
34 **simultaneous inability to serve — qualification of successor**  
35 **governor to office. SEC. 19.** If the governor and lieutenant

1 governor are simultaneously unable to serve, the president of  
2 the senate shall become governor, followed by the speaker of  
3 the house of representatives if the president of the senate  
4 is unable or unwilling to serve, followed by the president  
5 pro tempore of the senate if the speaker of the house of  
6 representatives is unable or unwilling to serve, followed  
7 by the speaker pro tempore of the house of representatives  
8 if the president pro tempore of the senate is unable or  
9 unwilling to serve, each succeeding, to the exclusion of any  
10 other office. If none of the above are able or willing to  
11 serve as governor and the general assembly is not in session,  
12 the justices of the supreme court shall convene the general  
13 assembly by proclamation and the general assembly shall  
14 organize by the election of a president of the senate and a  
15 speaker of the house of representatives. The president-elect  
16 of the senate shall then become governor. If at that time the  
17 president-elect of the senate is unable or unwilling to serve,  
18 the speaker-elect of the house of representatives shall become  
19 governor.

20 If the governor so succeeded becomes able to serve, the  
21 governor so succeeded shall resume the office of governor. If  
22 the lieutenant governor so succeeded becomes able to serve  
23 while the governor so succeeded remains unable to serve, the  
24 lieutenant governor so succeeded shall assume the office of  
25 governor.

26 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
27 amendment to the Constitution of the State of Iowa is referred  
28 to the general assembly to be chosen at the next general  
29 election for members of the general assembly, and the secretary  
30 of state is directed to cause the proposed amendment to be  
31 published for three consecutive months previous to the date of  
32 that election as provided by law.>

HOUSE FILE 2342

S-5237

1 Amend House File 2342, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. Section 481A.1, Code 2018, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 33A. "*Trophy*" means any fish, bird, or  
8 animal or any part of a fish, bird, or animal that a person  
9 intends to display.

10 Sec. 2. Section 481A.11, Code 2018, is amended to read as  
11 follows:

12 **481A.11 Confiscated or accidentally killed game.**

13 Except as provided in section 481A.13 or 481A.13A, any game  
14 or fish seized by the commission under section 481A.12 or any  
15 game accidentally killed by a motor vehicle on a public highway  
16 shall, when salvageable, be disposed of as determined by the  
17 commission or its designee.

18 Sec. 3. Section 481A.12, Code 2018, is amended to read as  
19 follows:

20 **481A.12 Seizure of wildlife taken or handled illegally.**

21 The director or any peace officer shall seize with or  
22 without warrant and take possession of, or direct the disposal  
23 of, any fish, furs, birds, or animals, or mussels, clams, or  
24 frogs, which have been caught, taken, or killed at a time,  
25 in a manner, or for a purpose, or had in possession or under  
26 control, or offered for shipment, or illegally transported in  
27 the state or to a point beyond its borders, contrary to the  
28 Code. All fish, furs, birds, or animals, or mussels, clams,  
29 or frogs seized under this section ~~may~~ shall be relinquished  
30 to a representative of the commission ~~or disposed of~~. Upon  
31 seizure, the person from whom the property is seized shall  
32 declare whether any fish, bird, or animal or any part of a  
33 fish, bird, or animal is a trophy. The commission may only  
34 rebut such declaration upon a showing beyond a reasonable doubt  
35 that the seized item is not a trophy. The commission shall

1 establish by rule the process by which the commission shall  
2 meet its burden of proof and the criteria that the commission  
3 shall use in determining whether the seized item is a trophy.  
4 If the property seized is not a trophy, the commission shall  
5 dispose of the property as provided in section 481A.11. If  
6 the property seized is a trophy, the commission shall keep the  
7 property in the manner described in section 481A.13.

8     Sec. 4. Section 481A.13, Code 2018, is amended to read as  
9 follows:

10     **481A.13 Search warrants.**

11     Any court having jurisdiction of the offense, upon receiving  
12 proof of probable cause for believing that any fish, mussels,  
13 clams, frogs, birds, furs, or animals caught, taken, killed,  
14 had in possession, under control, or shipped, contrary to the  
15 Code, or hidden or concealed in any place, shall issue a search  
16 warrant and cause a search to be made in any place therefor.  
17 The property so seized under warrant shall be safely kept under  
18 the direction of the court so long as necessary for the purpose  
19 of being used as evidence in any trial, and if a trial results  
20 in a conviction the property seized shall be confiscated by  
21 the director or the director's officers. If the trial does  
22 not result in a conviction, the property shall be returned to  
23 the person pursuant to section 481A.13A unless the property is  
24 illegal to possess.

25     Sec. 5. NEW SECTION. **481A.13A Conviction required for**  
26 **property confiscation — return of property.**

27     1. The state shall not confiscate property seized under  
28 section 481A.12 or 481A.13 unless the person from whom the  
29 property was seized is convicted of the violation for which the  
30 property was seized or the property is illegal to possess.

31     2. If the person from whom the property was seized is not  
32 convicted of the violation for which the property was seized,  
33 the department, law enforcement agency, or other governmental  
34 agency in possession of the seized property shall return  
35 the seized property, except for property that is illegal



1 to possess, to the person within thirty days of any of the  
2 following:

3     a. The date the person is found not guilty of the violation.  
4     b. The date the action involving the violation is dismissed.  
5     c. The date the statute of limitations expires for the  
6 alleged violation for which the property was seized.

7     3. Any game or fish that is not a trophy and any mussel,  
8 clam, or frog shall be disposed of as determined by the  
9 commission or its designee. The commission shall develop and  
10 maintain a schedule for reimbursement based on reasonable  
11 market value of the meat of any game or fish that is not a  
12 trophy, mussel, clam, or frog. If the person from whom the  
13 property was seized is not convicted of the violation for which  
14 the property was seized, the commission shall reimburse that  
15 person within thirty days of the dates provided in subsection  
16 2.

17     4. For purposes of this section, "*convicted*" includes  
18 a finding of guilt, payment of a scheduled fine, a plea of  
19 guilty, deferred judgment, deferred or suspended sentence,  
20 adjudication of delinquency, or circumstance where a person is  
21 not charged with a criminal offense related to the violation  
22 based in whole or in part on the person's agreement to provide  
23 information regarding the criminal activity of another person.

24     Sec. 6. Section 483A.32, Code 2018, is amended to read as  
25 follows:

26     **483A.32 Public nuisance.**

27     1. Any Subject to subsection 2, any device, contrivance,  
28 or material used to violate a rule adopted by the commission,  
29 or any other provision of this chapter or chapter 481A, 481B,  
30 482, 484A, or 484B, is a public nuisance and may be condemned  
31 by the state. The director, the director's officers, or  
32 any peace officer, shall seize the devices, contrivances,  
33 or materials used as a public nuisance, without warrant or  
34 process, and deliver them to a magistrate having jurisdiction.  
35 An automobile shall not be construed to be a public nuisance

1 under this section.

2 2. The state may only condemn property seized as a public  
3 nuisance if the person from whom the property was seized is  
4 convicted of the violation for which the property was seized as  
5 a public nuisance.

6 3. If the person from whom the property was seized is not  
7 convicted of the violation for which the property was seized,  
8 the department, law enforcement agency, or other governmental  
9 agency in possession of the seized property shall return  
10 the seized property, except for property that is illegal  
11 to possess, to the person within thirty days of any of the  
12 following:

13 a. The date the person is found not guilty of the violation.

14 b. The date the action involving the violation is dismissed.

15 c. The date the statute of limitations expires for the  
16 alleged violation for which the property was seized.

17 4. For purposes of this section, "convicted" means the same  
18 as in section 481A.13A, subsection 3.

19 Sec. 7. Section 483A.33, subsection 3, paragraph a, Code  
20 2018, is amended to read as follows:

21 a. The person from whom the property was seized may make  
22 application for its return in the office of the clerk of the  
23 district court for the county in which the property was seized.  
24 The application shall be filed within thirty days after  
25 the receipt of the notice of condemnation or the person is  
26 convicted of the violation for which the property was seized,  
27 whichever occurs later. Failure to file the application within  
28 this time period terminates the interest of the person and the  
29 ownership of the property shall be transferred to the state,  
30 except that a person who is not convicted of the violation  
31 for which the property was seized is not required to file an  
32 application and is entitled to the return of the property in  
33 accordance with section 483A.32 unless the property is illegal  
34 to possess.

35 Sec. 8. Section 483A.33, subsection 4, Code 2018, is amended

1 to read as follows:

2 4. If an application for return of condemnable property  
3 is timely and of sufficient grounds, the claim shall be set  
4 for hearing. The hearing shall be held not less than ten nor  
5 more than thirty days after the ~~filing of the claim~~ claim is  
6 filed or the person is convicted for the violation for which  
7 the property was seized as a public nuisance, whichever occurs  
8 later. The proceeding shall be conducted by a magistrate or  
9 a district associate judge. All claims to the same property  
10 shall be heard in one proceeding, unless it is shown that the  
11 proceeding would result in prejudice to one or more of the  
12 parties.

13 Sec. 9. Section 483A.33, subsection 5, Code 2018, is amended  
14 by adding the following new paragraphs:

15 NEW PARAGRAPH. c. On or before December 31, 2018, and  
16 on or before December 1 each year thereafter, the department  
17 shall report to the general assembly's standing committees  
18 on government oversight regarding the amount of the proceeds  
19 deposited to the state fish and game protection fund pursuant  
20 to this subsection. The report shall also contain all  
21 information recorded pursuant to paragraph "d".

22 NEW PARAGRAPH. d. A seizing public agency that has custody  
23 of any property that is seized pursuant to a provision of this  
24 subchapter shall adopt and comply with a written internal  
25 control policy that does all of the following:

26 (1) Provides for keeping detailed records as to the amount  
27 of property acquired by the agency and the date property was  
28 acquired.

29 (2) Provides for keeping detailed records of the  
30 disposition of the property, which shall include the manner  
31 in which the property was disposed, the date of disposition,  
32 and detailed financial records concerning any property sold.  
33 The records shall not identify or enable identification of the  
34 individual officer who seized any item of property or the name  
35 of any person or entity who received any item of property.

1     NEW PARAGRAPH.   *e.*   The records kept under the internal  
2 control policy shall be open to public inspection during the  
3 agency's regular business hours. The policy adopted under this  
4 section is a public record open for inspection under chapter  
5 22.

6     Sec. 10. Section 483A.33, Code 2018, is amended by adding  
7 the following new subsections:

8     NEW SUBSECTION.   6.   *a.*   An employee of the seizing public  
9 agency or a member of the immediate family of the employee  
10 shall not purchase a fish, fur, bird, animal, mussel, clam, or  
11 frog seized pursuant to section 481A.12, a device, contrivance,  
12 or material condemned pursuant to section 483A.32, or a weapon  
13 seized pursuant to section 483A.32 and disposed of pursuant  
14 to this section or section 809.21. For purposes of this  
15 subsection, "*member of the immediate family*" means a spouse,  
16 child, stepchild, brother, brother-in-law, stepbrother, sister,  
17 sister-in-law, stepsister, parent, parent-in-law, or stepparent  
18 of an employee of the seizing public agency who resides in the  
19 same household in the same principal residence of the employee  
20 of the seizing public agency.

21     *b.*   The department shall provide a form on which a person  
22 purchasing property seized pursuant to section 481A.12 or  
23 483A.32 shall declare that the person is not an employee of the  
24 seizing public agency or a member of the immediate family of an  
25 employee of the seizing public agency.

26     NEW SUBSECTION.   7.   For purposes of this section,  
27 "*convicted*" means the same as in section 481A.13A, subsection  
28 3.>

By   JULIAN GARRETT

HOUSE FILE 2377

S-5236

- 1 Amend House File 2377, as amended, passed, and reprinted by  
2 the House, as follows:
- 3 1. Page 2, line 3, before <practitioner> by inserting  
4 <prescribing>
- 5 2. Page 2, line 6, before <practitioner> by inserting  
6 <prescribing>
- 7 3. Page 2, line 9, by striking <rule> and inserting <rules  
8 adopted by the prescribing practitioner's licensing board>
- 9 4. Page 16, line 22, after <nursing,> by inserting  
10 <podiatry,>
- 11 5. Page 16, line 23, after <nursing,> by inserting <board  
12 of podiatry,>
- 13 6. Page 16, line 25, after <148.3> by inserting <, 149.3,>

By MARK COSTELLO

S-5236 FILED APRIL 11, 2018

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
TO HOUSE FILE 2442

S-5235

- 1     Amend the Senate amendment, H-8363, to House File 2442, as  
2 amended, passed, and reprinted by the House, as follows:  
3     1. Page 1, after line 24 by inserting:  
4     <\_\_\_\_. Page 3, line 30, after <participation> by inserting  
5 <or participate in any dance or cheerleading activity or  
6 activity, contest, or practice governed by the Iowa high school  
7 athletic association or the Iowa girls high school athletic  
8 union>  
9     \_\_\_\_. Page 3, line 34, after <to> by inserting <or commence>>  
10    2. Page 1, line 35, by striking <an> and inserting <any>  
11    3. Page 2, line 35, by striking <scheduled> and inserting  
12 <in accordance with a prearranged agreement with the school  
13 district or accredited nonpublic school>  
14    4. Page 3, line 2, before <unforeseen> by inserting  
15 <documentable,>  
16    5. By renumbering as necessary.

S-5235   FILED APRIL 11, 2018

HOUSE FILE 2480

S-5238

1 Amend House File 2480, as passed by the House, as follows:

2 1. Page 1, line 12, after <land.> by inserting <The program  
3 shall provide that an individual financing a manufactured  
4 home pursuant to this section shall not be evicted from a  
5 manufactured home sited on leased land without just cause and a  
6 violation of this provision shall authorize the individual to  
7 seek damages pursuant to chapter 562B.>

8 2. Page 1, by striking lines 20 through 30 and inserting:

9 <b. Notwithstanding any provision of section 16.46, 16.47,  
10 16.48, or 16.49 to the contrary, the authority may transfer  
11 for any fiscal year, subject to the requirements of this  
12 paragraph, any unobligated and unencumbered moneys in the funds  
13 created in sections 16.46, 16.47, 16.48, and 16.49 from the  
14 prior fiscal year in an amount not to exceed the lesser of two  
15 million dollars or an amount equal to the total amount of any  
16 unobligated and unencumbered moneys in the funds available  
17 for transfer from the previous fiscal year reduced by two  
18 million dollars. Of the moneys transferred in any fiscal  
19 year, the authority may only expend the first million dollars  
20 transferred for purposes of the home ownership assistance  
21 program for military members established in section 16.54, with  
22 the remainder of the moneys transferred for deposit in the  
23 manufactured housing program fund.>

24 3. Page 3, line 2, after <Iowa.> by inserting <An eligible  
25 member of the armed forces of the United States financing a  
26 manufactured home on leased land pursuant to this section shall  
27 not be evicted from the manufactured home without just cause  
28 and a violation of this provision shall authorize the eligible  
29 member to seek damages pursuant to chapter 562B.>

By LIZ MATHIS

S-5238 FILED APRIL 11, 2018

LOST



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**SF 2396** – Lake Manawa State Park User Fee Pilot Program (LSB5418SV)

Analyst: Debra Kozel (515.281.6767) [deb.kozel@legis.iowa.gov](mailto:deb.kozel@legis.iowa.gov)

Fiscal Note Version – New

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**Description**

**Senate File 2396** establishes a Lake Manawa State Park User Fee Pilot Program in the Department of Natural Resources (DNR). The Program allows the DNR to charge nonresidents the following fees:

- One-day entrance fee of \$5.00 per vehicle.
- Annual pass fee of \$40.00 for one vehicle and the option to buy a second vehicle pass for a fee of \$15.00.
- Separate fees for residents and nonresidents related to camping and shelter rentals.

**Background**

Lake Manawa State Park is located in Council Bluffs, Iowa, and is approximately 10 minutes from Omaha, Nebraska. The State of Nebraska charges \$5.00 for a one-day entrance fee to a state park, and annual fees of \$25.00 for residents and \$30.00 for nonresidents. Since Iowa does not charge State park entrance fees, numerous Nebraska residents visit Lake Manawa State Park.

**Assumptions**

The DNR is using the following assumptions:

- Lake Manawa State Park has over 1,500 acres and there are four entrances. It is assumed two entrances would have a pay station with staff on hand, and two entrances would have outdoor kiosks that would not need to be staffed.
- There are 600,000 nonresident visitors per year. There are four persons in each vehicle, so there are 150,000 nonresident vehicles.
- It is estimated that 60.0%, or 90,000 vehicles, are repeat customers and they visit 25 times per year. This equals 3,600 unique vehicles (90,000 vehicles/25 visits).
- It is estimated there will be a 30.0% decrease in attendance due to the fee, and that reduces the number of unique nonresidents who will purchase an annual pass for their vehicles to 2,520 in year one.
- There will be a 5.0% increase in attendance in year two, with 2,650 nonresidents buying an annual pass for their vehicles.
- Up to 60,000 nonresidents will purchase a daily pass for their vehicles. It is estimated the first year would have a 30.0% decrease in attendance due to the fee, and that reduces the number of vehicles to 42,000 for year one and 44,100 in year two.

The DNR estimates the following fees will be collected:

**Lake Manawa State Park Pilot Project Fees Collected**

<b>Fees</b>	<b>FY 2019</b>	<b>FY 2020</b>
Annual pass fees	\$ 100,800	\$ 106,000
Daily pass fees	210,000	220,500
<b>Total Fees</b>	<b>\$ 310,800</b>	<b>\$ 326,500</b>



The DNR estimates the following expenditures to construct and implement four pay stations at Lake Manawa State Park:

**Lake Manawa State Park Pilot Program Construction Expenditures**

<b>Expenditures</b>	<b>FY 2019</b>	<b>FY 2020</b>
Purchase of two outdoor kiosk machines	\$ 24,000	\$ 0
Construction of two staffed pay stations	80,000	0
Point of sale equipment for pay stations	5,000	0
<b>Total Expenditures</b>	<b>\$ 109,000</b>	<b>\$ 0</b>

In addition, the DNR estimates other related expenditures:

**Lake Manawa State Park Pilot Project Expenditures**

<b>Expenditures</b>	<b>FY 2019</b>	<b>FY 2020</b>
Data processing and utilities	\$ 6,000	\$ 6,000
Operating supplies	5,000	5,000
Accounting expenditures	50,000	50,000
Staff to collect fees	153,000	153,000
<b>Total Expenditures</b>	<b>\$ 214,000</b>	<b>\$ 214,000</b>

**Fiscal Impact**

The estimated fiscal impact is summarized below:

**Lake Manawa State Park Pilot Project Fiscal Impact**

<b>Description</b>	<b>FY 2019</b>	<b>FY 2020</b>
Revenue	\$ 310,800	\$ 326,500
Expenditures	323,000	214,000
<b>Fiscal Impact</b>	<b>\$ -12,200</b>	<b>\$ 112,500</b>

**Source**

Department of Natural Resources

/s/ Holly M. Lyons

April 11, 2018

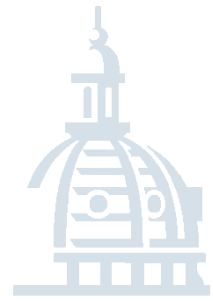
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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



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**HF 2481** – Secure an Advanced Vision for Education Extension (LSB5423HZ.1)

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Fiscal Note Version – As Amended and Passed by the House

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## **Description**

**House File 2481** as amended and passed by the House contains multiple provisions regarding the Secure an Advanced Vision for Education (SAVE) and Property Tax Equity Relief (PTER) Fund. The Bill as amended provides for the extension of the one-cent sales tax that is distributed to school districts for the following uses:

- Reduction of bond levies.
- Reduction of regular and voted physical, plant, and equipment levies (PPEL).
- Reduction of the public educational and recreation levy (PERL).
- Authorized infrastructure projects.
- Payment of principal and interest on bonds issued under the School Infrastructure Local Option (SILO) sales tax or SAVE.

The Bill as amended extends the sunset of SAVE to January 1, 2050, and adjusts the amount of funds being directed into the PTER Fund. For fiscal years in which the growth of SAVE is more than 2.0% over the previous fiscal year, the amount directed into the PTER Fund will increase by 1.0% until it reaches a cap of 12.0% of the funds generated by SAVE. Under the Bill, one-third of the increase in funds each year will flow into a newly created Foundation Base Supplement Fund (FBSF) within the PTER Fund, which will function to increase the State cost per pupil foundation level. The current foundation level is set in Iowa Code section [257.1\(2\)\(b\)](#) as 87.5% of the State cost per pupil.

The Bill as amended also creates a fund for career academies, which will receive an annual distribution from the SAVE Fund. The Department of Education is directed to adopt rules for the distribution of these funds in the form of competitive grants that may be awarded to schools for use on career academy infrastructure and equipment. If the growth of SAVE is more than 2.50% over the previous fiscal year, the amount allocated to the career academies fund is to increase by 0.5% of the amount of SAVE Funds available after the distribution to the PTER Fund and the FBSF, to a maximum of \$5.0 million.

The Bill as amended also makes changes to requirements for revenue purpose statements under SAVE and requirements for the issuance of bonds under SAVE. Changes include requiring the completion of a cost-benefit analysis of remodeling or repairing existing buildings for districts completing a certificate of need and requiring that if a school district proposes an athletic infrastructure project using SAVE funds, the district must hold a public hearing on the proposed use of the funds. After the public hearing on a proposed sports or athletic facility, if a vote is successfully petitioned for, the district must hold a vote on the use of the funds. All bonds sales must receive public notice and are subject to a petitioned vote.

The Bill as amended also clarifies that SAVE funds may be used for school safety and security infrastructure.

## **Background**

During the 2008 Legislative Session, the General Assembly enacted [HF 2663](#) (State Sales and Use Tax for School Infrastructure Act). Beginning July 1, 2008, the Act repealed the SILO sales tax, which was enacted by individual counties; increased the State sales tax from 5.0% to 6.0%; and designated the 1.0% increase be used for school infrastructure purposes and property tax relief. The State sales/use tax for school infrastructure (SAVE) is currently set to be repealed at the end of calendar year 2029.

In FY 2015, the rate of distribution into the PTER Fund was set at 2.1% of the total funding generated by the 1.0% SAVE sales tax. The remaining 97.9% of the 1.0% sales tax is distributed to school districts on a per-pupil basis. The PTER funding generated by SAVE is combined with an annual \$24.0 million General Fund standing appropriation and is used within the State school aid formula to reduce the additional property tax levy for districts with the highest property tax rates. For the purpose of the FY 2018 school aid formula, the 2.1% allocation generated \$9.7 million, or a total of \$33.7 million, in funding for PTER, which was distributed across 61 school districts with the highest additional property tax rates. The FY 2018 PTER distribution was based on the total FY 2016 funds generated by SAVE.

The FBSF is a new fund that will supplement the other property tax relief programs, including the Property Tax Replacement Payment (PTRP) and PTER funds. The per-pupil PTRP payment is calculated annually to fix the per-student additional levy portion of the State cost per pupil at the FY 2013 level, or \$750 per student. In FY 2019, the PTRP is \$92 per student, totaling an estimated \$52.1 million. The PTRP is fixed at the current year rate unless legislation is passed to increase the payment with the increase in the State cost per pupil.

## **Assumptions**

- Estimated FY 2017 and FY 2018 increases in SAVE are set at a 2.45% growth rate based on estimates from the Department of Revenue.
- The growth rate for estimated FY 2019 to FY 2050 is set at 2.48% based on the average annual growth of SAVE from FY 2009 to estimated FY 2017.
- The amount of the PTER Fund transfer will increase by 1.0% annually beginning in FY 2019 until FY 2028, when it will reach 12.0%. If SAVE revenue does not grow at a rate greater than 2.0% each year between FY 2019 and FY 2026, it may take longer to reach the 12.0% cap.
- The allocation to career academies is held at \$1.0 million. If the growth rate in SAVE is greater than 2.50%, the allocation to career academies will be \$5.0 million for that year and subsequent fiscal years; one-half percent of SAVE is significantly greater than this maximum cap.
- The PTER distribution for the upcoming fiscal year is based on the previous fiscal year's final receipts; the PTER distribution for FY 2019 is based on final FY 2017 income. Therefore, changes to the PTER Fund and the creation of the FBPF will not take effect within the school aid formula until the FY 2021 school year.
- The \$24.0 million standing appropriation to PTER will continue.

## **Fiscal Impact**

The attached table (**Attachment A**) shows the estimated fiscal impact on distribution to schools for SAVE purposes and distribution to the PTER Fund and FBSF until FY 2050. Fiscal year 2050 is a half fiscal year.

Beginning in FY 2021, property taxes for school district funding will be reduced by the amount allocated to the FBSF.

**Sources**

Department of Revenue  
Department of Management  
Iowa Association of School Boards  
LSA analysis and calculations

/s/ Holly M. Lyons

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April 10, 2018

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## Attachment A

## LSA: Current Law and HF 2481 as Amended Changes SAVE and PTER Estimates

Current Law Estimates							Estimated Changes to SAVE and PTER – HF 2481 As Amended							
Fiscal Year*	Est. SAVE Fund Growth Rate	SAVE Allocation to School Districts	Percent Allocated to PTER	Est. PTER Allocated From SAVE	PTER Standing Appropriation	Est. Total Funding Allocated to PTER	SAVE Allocation to School Districts	Career Academies Distribution	Percent Allocated to PTER	Est. SAVE Allocated to PTER	Est. PTER Distribution		PTER Standing Appropriation	Est. Total Adjust Additional Levy
											Adj. Additional Levy Allocation From SAVE	Funding Allocated to FBSF		
FY 2017	2.45%	\$ 454,315,075	2.10%	\$ 9,745,267	\$ 24,000,000	\$ 33,745,267	\$ 454,315,075	\$ 0	2.10%	\$ 9,745,267	\$ 9,745,267	\$ 0	\$ 24,000,000	\$ 33,745,267
FY 2018	2.45%	465,441,764	2.10%	9,983,940	24,000,000	33,983,940	465,441,764	0	2.10%	9,983,940	9,983,940	0	24,000,000	33,983,940
FY 2019	2.48%	476,984,720	2.10%	10,231,541	24,000,000	34,231,541	471,112,557	1,000,000	3.10%	15,103,704	13,479,650	1,624,054	24,000,000	37,479,650
FY 2020	2.48%	488,813,941	2.10%	10,485,284	24,000,000	34,485,284	477,827,956	1,000,000	4.10%	20,471,268	17,142,607	3,328,661	24,000,000	41,142,607
FY 2021	2.48%	500,936,527	2.10%	10,745,319	24,000,000	34,745,319	484,586,071	1,000,000	5.10%	26,095,774	20,978,956	5,116,818	24,000,000	44,978,956
FY 2022	2.48%	513,359,752	2.10%	11,011,803	24,000,000	35,011,803	491,384,890	1,000,000	6.10%	31,986,665	24,995,044	6,991,621	24,000,000	48,995,044
FY 2023	2.48%	526,091,074	2.10%	11,284,895	24,000,000	35,284,895	498,222,276	1,000,000	7.10%	38,153,694	29,197,428	8,956,266	24,000,000	53,197,428
FY 2024	2.48%	539,138,133	2.10%	11,564,761	24,000,000	35,564,761	505,095,959	1,000,000	8.10%	44,606,934	33,592,877	11,014,058	24,000,000	57,592,877
FY 2025	2.48%	552,508,759	2.10%	11,851,567	24,000,000	35,851,567	512,003,536	1,000,000	9.10%	51,356,790	38,188,382	13,168,408	24,000,000	62,188,382
FY 2026	2.48%	566,210,976	2.10%	12,145,486	24,000,000	36,145,486	518,942,459	1,000,000	10.10%	58,414,003	42,991,164	15,422,839	24,000,000	66,991,164
FY 2027	2.48%	580,253,008	2.10%	12,446,694	24,000,000	36,446,694	525,910,035	1,000,000	11.10%	65,789,667	48,008,676	17,780,991	24,000,000	72,008,676
FY 2028	2.48%	594,643,283	2.10%	12,755,372	24,000,000	36,755,372	533,510,816	1,000,000	12.00%	72,887,839	52,843,683	20,044,156	24,000,000	76,843,683
FY 2029	2.48%	609,390,436	2.10%	13,071,705	24,000,000	37,071,705	546,766,684	1,000,000	12.00%	74,695,457	54,154,206	20,541,251	24,000,000	78,154,206
FY 2030	2.48%	312,251,659	2.10%	6,697,942	24,000,000	30,697,942	560,351,298	1,000,000	12.00%	76,547,904	55,497,231	21,050,674	24,000,000	79,497,231
FY 2031					24,000,000	24,000,000	574,272,810	1,000,000	12.00%	78,446,292	56,873,562	21,572,730	24,000,000	80,873,562
FY 2032					24,000,000	24,000,000	588,539,576	1,000,000	12.00%	80,391,760	58,284,026	22,107,734	24,000,000	82,284,026
FY 2033					24,000,000	24,000,000	603,160,157	1,000,000	12.00%	82,385,476	59,729,470	22,656,006	24,000,000	83,729,470
FY 2034					24,000,000	24,000,000	618,143,329	1,000,000	12.00%	84,428,636	61,210,761	23,217,875	24,000,000	85,210,761
FY 2035					24,000,000	24,000,000	633,498,084	1,000,000	12.00%	86,522,466	62,728,788	23,793,678	24,000,000	86,728,788
FY 2036					24,000,000	24,000,000	649,233,636	1,000,000	12.00%	88,668,223	64,284,462	24,383,761	24,000,000	88,284,462
FY 2037					24,000,000	24,000,000	665,359,430	1,000,000	12.00%	90,867,195	65,878,716	24,988,479	24,000,000	89,878,716
FY 2038					24,000,000	24,000,000	681,885,144	1,000,000	12.00%	93,120,701	67,512,509	25,608,193	24,000,000	91,512,509
FY 2039					24,000,000	24,000,000	698,820,696	1,000,000	12.00%	95,430,095	69,186,819	26,243,276	24,000,000	93,186,819
FY 2040					24,000,000	24,000,000	716,176,249	1,000,000	12.00%	97,796,761	70,902,652	26,894,109	24,000,000	94,902,652
FY 2041					24,000,000	24,000,000	733,962,220	1,000,000	12.00%	100,222,121	72,661,038	27,561,083	24,000,000	96,661,038
FY 2042					24,000,000	24,000,000	752,189,283	1,000,000	12.00%	102,707,629	74,463,031	28,244,598	24,000,000	98,463,031
FY 2043					24,000,000	24,000,000	770,868,377	1,000,000	12.00%	105,254,779	76,309,715	28,945,064	24,000,000	100,309,715
FY 2044					24,000,000	24,000,000	790,010,713	1,000,000	12.00%	107,865,097	78,202,195	29,662,902	24,000,000	102,202,195
FY 2045					24,000,000	24,000,000	809,627,779	1,000,000	12.00%	110,540,152	80,141,610	30,398,542	24,000,000	104,141,610
FY 2046					24,000,000	24,000,000	829,731,348	1,000,000	12.00%	113,281,547	82,129,122	31,152,426	24,000,000	106,129,122
FY 2047					24,000,000	24,000,000	850,333,485	1,000,000	12.00%	116,090,930	84,165,924	31,925,006	24,000,000	108,165,924
FY 2048					24,000,000	24,000,000	871,446,555	1,000,000	12.00%	118,969,985	86,253,239	32,716,746	24,000,000	110,253,239
FY 2049					24,000,000	24,000,000	893,083,230	1,000,000	12.00%	121,920,440	88,392,319	33,528,121	24,000,000	112,392,319
FY 2050					24,000,000	24,000,000	457,128,247	1,000,000	12.00%	62,472,034	45,292,224	17,179,809	24,000,000	69,292,224

\*Distribution of PTER funds is two years in arrears. Fiscal year 2019 PTER and FBSF funds will be distributed with the FY 2021 school aid formula.  
Under current law, SAVE sunsets on January 1, 2030.

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